

**SPECIAL MEETING OF THE  
OKLAHOMA WORKERS’ COMPENSATION COMMISSION**

Thursday, June 3, 2021

2:00 p.m.

Commission Chambers, 2<sup>nd</sup> Floor

1915 N. Stiles Ave.

Oklahoma City, Oklahoma

and via Zoom Teleconference

<https://zoom.us/j/95884184361?pwd=NlcwM0l2R2RzNHRtTGpxc0pYaFh6Zz09>

or

1 (346) 248-7799

Meeting ID: 958 8418 4361

Passcode: 1234

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**AGENDA**

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**CALL TO ORDER ..... Commissioner Liotta**

**ROLL CALL ..... Commissioner Liotta**

Chairman Liotta will appear remotely via Zoom teleconference.

Commissioner Russell will appear remotely via Zoom teleconference.

Commissioner Tilly will appear remotely via Zoom teleconference.

**Open Meeting Act Statement**

**THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND VOTE TO APPROVE, DISAPPROVE, OR TAKE ANY OTHER ACTION CONSISTENT WITH THE COMMISSION’S AUTHORITY.**

**1. Discussion and Possible Action on Minutes**

The drafted minutes of the May 6, 2021, Special Meeting of the Commission will be considered for approval.

**2. Discussion and Possible Action of Consent Agenda for Travel Vouchers Currently Outstanding**

Title 85A O.S. § 23 states, [a]ny Commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission.” In accordance with this section, the Commission will consider a vote to approve the currently outstanding vouchers.

All travel vouchers listed within this Consent Agenda have been made available to each Commissioner prior to today's meeting, are considered routine, and will be enacted by one motion of the Commission. If separate discussion is desired, that item may be removed from the Consent Agenda and voted upon separately.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; approving some, all, or none of the vouchers listed in this Consent Agenda; or continuing the matter.

3. **Request to Fully Release the Security Deposit for J&G Steel, Former Own Risk Permit #19386**

J&G Steel ("the Company"), former own risk permit #19386, was a self-insured employer in the Own Risk program until March 22, 2019. The Company has petitioned the Commission to fully release the Company's security deposit on file. The Commission currently holds a \$250,000 Letter of Credit, issued by Blue Sky Bank, as security deposit.

All claims have been closed out and they all have passed that statute of limitations for reopening. The Company has complied with Commission Rule 810:25-9-19.

**Possible Action:**

Possible action may include, but not limited to: continuing the matter; releasing or reducing the security deposit of J&G Steel; or not releasing or reducing the security deposit of J&G Steel, a former own risk employer.

4. **Discussion and Possible Action on Lease Agreement for New WCC Tulsa Office Space**

House Bill 4139 (2020) directed OMES to relocate state agencies currently housed within the Kerr Edmondson Building in Tulsa, Oklahoma, including the Workers' Compensation Commission, to a property owned by the Commissioners of the Land Office ("CLO"). CLO and OMES have identified 201 W. 5<sup>th</sup> Street in Tulsa, Oklahoma as a relocation site for the WCC's Tulsa Office. The Commission will discuss and consider action on a proposed Lease Agreement with CLO and OMES to occupy this office space.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; disapproving the lease agreement; approving the lease agreement and authorizing the Chairman to sign on behalf of the Commission; or approving the lease agreement with modifications as discussed, and authorizing the Chairman to sign the agreement on behalf of the Commission once modifications are made.

5. **Discussion and Consideration of Proposed Lease for 3rd Floor Office Space for Fiscal Year 2022**

The Commission will discuss and consider the renewal of a lease with the Office of Management and Enterprise Services (OMES) for the 3rd Floor office space in the Denver Davison Building for FY 2022 in the amount of \$84,948.00.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, continuing the matter, approving the lease with OMES in the amount of \$84,948.00, or not approving the lease.

6. **Discussion and Consideration of Occupancy Agreement Renewal for Basement, 1st, and 2nd Floor Office Space for Fiscal Year 2022**

The Commission will discuss and consider the renewal of an Occupancy Agreement with the Office of Management and Enterprise Services (OMES) for the basement, 1<sup>st</sup>, and 2<sup>nd</sup> Floor office space in the Denver Davison Building for FY 2022.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, continuing the matter, approving the Occupancy Agreement with OMES, or not approving the Agreement.

7. **Update and Discussion of 2022 Fee Schedule Revision Process, Including Discussion of Recent Stakeholder Comments Received Regarding the 2020 Fee Schedule.**

Title 85A O.S. § 50(H)(1) states the Commission shall conduct a review and update of the Medical Fee Schedule every two years. The Commission most recently adopted an updated Fee Schedule in May 2020 and has begun the process to consider updates to the 2022 Fee Schedule.

From April 14 to May 21, 2021, the Commission sought written comments on potential revisions of the current Medical Fee Schedule and ground rules for reference as it begins the review and drafting process of the proposed 2022 Medical Fee Schedules. Written comments were submitted via email, and further opportunities for public comment will be provided to stakeholders once the 2022 draft is complete. The Commission will discuss the comments received.

No action will be taken.

8. **Legislative Update Report and Discussion**

Commissioner Russell will report on legislation affecting the Commission.

No action will be taken.

9. **Possible Executive Session Pursuant to 25 O.S. § 307(B)(1) to discuss the employment, hiring, and/or salary of Candidate A or Candidate B for the Position of Compliance Director.**

- A. **Motion and vote to enter into Executive Session.**
- B. **Discussion in Executive Session.** The Commission will discuss only the topic stated in this agenda item.
- C. **Motion and vote to reconvene in Open Session.**
- D. **Motion and vote on Possible Action.**

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; approving the hiring and salary offer for Candidate A or Candidate B for the position of Compliance Director as discussed in executive session; or any other action within the authority of the Commissioners.

10. **Proposed Executive Session pursuant to 25 O.S. § 307(B)(4) to confidentially discuss the BFN Operations Bankruptcy matter and vote on next steps, where Commission General Counsel has determined the disclosure of such confidential communications will seriously impair the ability of the Commission to process the claim and pending litigation.**

- A. **Motion and vote to enter into Executive Session.**
- B. **Discussion in Executive Session.** The Commission will discuss only the topic stated in this agenda item.
- C. **Motion and vote to reconvene in Open Session.**
- D. **Motion and vote on Possible Action.**

**Possible Action:**

Possible action may include, but not limited to: taking no action; continuing the matter; authorizing the General Counsel to advise the bankruptcy attorney of the Commission's decision on how to proceed in the case; or other action consistent with Commission authority.

11. **Announcements**

The Commission's next dual PAC meeting is on Friday, June 11, 2021. The Commission's next regular business meeting is on Thursday, June 17, 2021.

**ADJOURNMENT.....Chairman Liotta**